

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jeffrey D. Lindsay, et al.

Group Art Unit: 3677

Serial No: 10/743,556

Examiner: James Brittain

Filed: December 22, 2003

Our Client ID: 22827

Confirmation No: 5072

Our Account No: 04-1403

Title: Activatable Fastening System and Web Having Elevated Regions and Functional Material Members



Commissioner for Patents  
U.S. Patent and Trademark Office  
Post Office Box 1450  
Alexandria, VA 22313-1450

**ELECTION OF SPECIES**

This is a response/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is to be treated as the signature to the attachment in absence of a signature thereto.

Fee requirements (if any) have been calculated as shown below:

|   | Claims<br>remaining<br>after<br>amendment | Highest<br>number<br>previously<br>paid for | Present<br>Extra |          | Additional<br>Fee |
|---|---|---|------------------|----------|-------------------|
| Total Effective Claims  | 53  | minus 53                                    | = 0              | X \$18 = | \$ .00            |
| Independent Claims  | 5   | minus 5                                     | = 0              | x \$86 = | \$ .00            |
| If amendment enters <u>proper</u> multiple dependent claim(s) into this application for <u>first</u> time, add \$290.00 (per application)   |   |   |                  |          | \$ .00            |
| Since Official Action set an <u>original</u> due date of _____, <b>PETITION</b> is hereby made for an extension to cover the date this response is filed for which the requisite fee is enclosed (1 month \$110; 2 months \$420; 3 months \$950; 4 months \$1480) |   |   |                  |          | \$ .00            |
| If Terminal Disclaimer enclosed, add Rule 20(d) Official Fee (\$110.00)   |   |   |                  |          | \$ .00            |
| <b>SUBTOTAL:</b>  |   |   |                  |          | \$ .00            |
| If "small entity" verified statement filed [ ] previously, [ ] herewith, enter one-half (1/2) of subtotal and <u>subtract</u>   |   |   |                  |          | \$ .00            |
| <b>TOTAL:</b>   |   |   |                  |          | \$ .00            |
| Other: _____  |   |   |                  |          | \$ .00            |
| <b>TOTAL FEE ENCLOSED:</b>  |   |   |                  |          | \$ .00            |

The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any fees in addition to the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (deficiency only) now or hereafter relative to this application and the resulting official document under Rule 20, or credit any overpayment, to our Account No. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This statement does not authorize charge of the issue fee in this case.

ADDRESS:  
Post Office Box 1449  
Greenville, SC 29602 USA  
Customer ID No.: 22827  
Telephone: 864-271-1592  
Facsimile: 864-233-7342

**DORITY & MANNING**  
**ATTORNEYS AT LAW, P.A.**

By: Neal P. Pierotti Reg. No: 45,716 Date: August 9, 2005

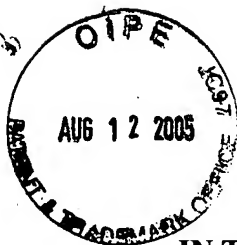
Signature: Neal P. Pierotti

I hereby certify that this correspondence and any referenced attachment and fee are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, Post Office Box 1450, Alexandria, VA 22313-1450, on August 9, 2005.

Denise Bulkeley

(Typed or printed name of person mailing paper or fee)

(Signature of person mailing paper or fee)



ATTORNEY DOCKET NO.: KCX-767 (19738)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|  |   |                           |
|--|---|---------------------------|
| In re Application of: Jeffrey D. Lindsay, et al. | ) |                           |
|  | ) | Examiner: James Brittain  |
|  | ) |                           |
| Serial No.: 10/743,556                           | ) | Art Unit: 3677            |
|  | ) |                           |
| Filed: December 22, 2003                         | ) | Deposit Acct. No.:04-1403 |
|  | ) |                           |
| Title: Activatable Fastening System              | ) | Our Customer No.: 22827   |
| and Web Having Elevated Regions and              | ) |                           |
| Functional Material Members                      | ) |                           |

RESPONSE TO ELECTION REQUIREMENT

Commissioner of Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In this Response to the Office Action of July 27, 2005, Applicants elect as required a species for examination.

### ELECTION OF SPECIES

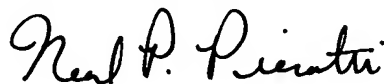
In the Office Action, Election of Species between functional members (Species Ia, Ib, Ic, II, III), a layer (Group 1-Group 4) and a configuration (Geometry 1-Geometry 5) was required. Applicants hereby elect, without traverse, the species including the functional member Group Ia (hooks without an actuation member), the layer of Group 1 (an elastic layer) and a configuration of Geometry 1 (sinusoidal configuration of Figs. 1-5 with the functional elements in the cavities on one side) for initial prosecution. The Species of Group Ia, Group 1 and Geometry 1 has claims 1-12, 14-16, 18, 19, 21-28, 30-32, 34 and 37-44 readable thereon. Applicants reserve the right to prosecute subsequently the non-elected Species without prejudice or disclaimer.

Applicants respectfully submit that at least claim 1 is generic to functional members Group Ia, Group Ib, Group Ic, Group II, Group III, Groups 1-4 and Geometries 1-4. Applicants respectfully submit that at least claim 45 is readable on the Species of Geometry 5.

In view of the above election, Applicants respectfully request Examination of the present Application and the timely allowance of the pending claims. The Examiner is encouraged to contact the undersigned in regards to any questions concerning this matter or if any additional information is needed.

Respectfully submitted,

DORITY & MANNING, P.A.



Neal P. Pierotti  
DORITY & MANNING, P.A.  
P.O. Box 1449  
Greenville, SC 29602  
(864) 271-1592  
(864) 233-7342

August 10, 2005

Date